UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,958	06/30/1999	SERGE JEAN MAURICE MISTER	0500.9904131	8512

7590 08/11/2003

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EXAMINER
ZAND, KAMBIZ

ART UNIT	PAPER NUMBER
2132	4

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	**Applicant(s)**
Office Action Summary	09/343,958	MISTER, SERGE JEAN MAURICE
	Examiner	**Art Unit**	
	Kambiz Zand	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _30 June 1999_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-37_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-37_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _06/30/03_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _2_ .	6) ☐ Other: .

DETAILED ACTION

1.   **Claims 1-37** have been examined.

Information Disclosure Statement PTO-1449

2.   The pages of the all references submitted by applicant have been considered.

Drawings

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4)

because reference character "212" in fig. 2 has been used to designate both to

demonstrate the connection from item "206" to item "202" and from item "202" to item

"204". Correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter, which the applicant regards as his invention.

5.   **Claims 1-37** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Throughout claims 1-37, the uses of "generated insertion data", providing

insertion data for..." phrases make the claims indefinite and unclear in that

neither means nor interrelationship of means or method steps are set forth in the

claims in order to achieve the desired results expressed in the above phrases.

In claims 8, 15, 21, 29 and 37, the "wherein." phrases makes claims indefinite

and unclear in that neither means nor interrelationship of means are set forth in

these claims in order to achieve the desired results expressed in the "wherein.."

phrases.

Dependent claims 2-9,11-15,17-23,25-29 and 31-37 are unclear in that they

depend from unclear independent claims.

6.   **Claims 1-37** recites the limitation "generated insertion data" in the claim. There

is insufficient antecedent basis for this limitation in the claim.

7.   **Claims 2, 11, 17 and 31** recites the limitation "the actual data resultant" in the

claim. There is insufficient antecedent basis for this limitation in the claim.

8.   **Claims 6 and 21** recites the limitation "the stored random data" in the claim.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   **Claims 1-37** are rejected under 35 U.S.C. 102(b) as being anticipated by Fadem et al (4,744,077).

As per claims 1, 16 and 30 Fadem et al (4,744,077) teach a method, apparatus and an storage medium for facilitating prevention of interception of incoming data that is provided for a software application, comprising the steps of: providing insertion data for insertion as part of the incoming data (see col.12, lines 33-52 wherein the 8 bit data contains keystroke data and LFC characters and an id bit, Examiner considers any of the three data bits as an insertion data); storing the generated insertion data; and filtering received incoming data containing actual data and the insertion data (see col.12, line 45-52 wherein the incoming data are stored in RCV FIFO) by comparing stored generated insertion data with incoming data to determine which data is actual data (see col.12, lines 54-66 wherein by examining the third bit of high order nibble of second and compare it to the lower nibble data that identified the user, it recognizes the data as keystroke or LFC character, therefore if the actual data is keystroke or LFC character and the insertion data is the id of the user then by comparison the actual data is retrieved, the same analogy could be used in reverse. Examiner's interpretation is based on the broad claim language that is recited in the above claims). Also see col.13-15.

As per claims 2, 17 and 31 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of processing the actual data resultant from filtering for use by the software application (see col.18, lines 13-20).

As per claims 3, 18 and 32 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of receiving the generated insertion data and actual data from a data input source; and queuing the insertion data with actual data for output as the incoming data (see col.11, lines 67-68 and col.12, lines 1-3).

As per claims 4, 19 and 33 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of analyzing foreground indication data and enabling generation of the insertion data in response to the foreground indication data (see col.18, lines 66-68 and col.19, lines 1-14 wherein in response to content of HRQ data the insertion of characters into the data is selected).

As per claims 5, 20 and 34 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of controlling timing of insertion data generation and output based on data queue parameters (see col.13, lines 19-46).

As per claims 6, 21 and 35 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of storing includes storing the generated insertion data as entries in a first in first out (FIFO) buffer and wherein the step of filtering further includes comparing the incoming data to at least one entry stored insertion data and deleting the at least one entry of stored data and deleting the incoming data, and outputting the incoming data to a data processor when the stored random data from the entry is different from the incoming data (see col.13, lines 2-27).

As per claims 7, 22 and 36 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 including the step of storing a list of data representing data to be used as randomization data; randomly selecting the randomized data from the list of data; and formatting the randomized data as insertion data in a same format as actual data (see col.18, lines 66-68 and col.19, lines 1-14).

As per claims 8, 23 and 37 Fadem et al (4,744,077) teach the method, apparatus and storage medium of claims 1, 16 and 30 wherein the random insertion is randomized keystroke data and wherein the keystroke data and the randomized keystroke data are queued in a message queue and passed in the form of a message to the software application as incoming data (see col.11, lines 67-68 and col.12, lines 1-3; col.19, lines 15-22).

As per claim 9 Fadem et al (4,744,077) the method of claim 1 wherein the step of

providing includes: providing the insertion data, under control of the software application

that is to receive the incoming data (see col.17, lines 19-61).

As per claims 10 and 24 Fadem et al (4,744,077) a method and an apparatus for

facilitating prevention of interception of incoming data that is provided for a software

application, comprising the steps of analyzing foreground indication data and enabling

generation of the insertion data in response to the foreground indication data (see

col.18, lines 66-68 and col.19, lines 1-14 wherein in response to content of HRQ data

the insertion of characters into the data is selected); storing a list of data representing

data to be randomized; selecting data from the list of data as random insertion data (see

col.18, lines 66-68 and col.19, lines 1-14); providing selected insertion data for insertion

as part of the incoming data; formatting the insertion data in a same format as actual

data; storing the generated insertion data; mixing the insertion data with incoming data;

and filtering received incoming data containing actual data and the random insertion

data by comparing stored generated insertion data with incoming data to determine

which data is actual data (see col.12, lines 33-52 wherein the 8 bit data contains

keystroke data and LFC characters and an id bit, Examiner considers any of the three

data bits as an insertion data); storing the generated insertion data; and filtering

received incoming data containing actual data and the insertion data; col.12, line 45-52

wherein the incoming data are stored in RCV FIFO; see col.12, lines 54-66 wherein by

examining the third bit of high order nibble of second and compare it to the lower nibble

data that identified the user, it recognizes the data as keystroke or LFC character,

therefore if the actual data is keystroke or LFC character and the insertion data is the id

of the user then by comparison the actual data is retrieved, the same analogy could be

used in reverse. Examiner's interpretation is based on the broad claim language that is

recited in the above claims). Also see col.13-15.

As per claims 11 and 25 Fadem et al (4,744,077) the method, apparatus of claims 10

and 25 including the step of processing the actual data resultant from filtering for use by

the software application (see col.18, lines 13-20).

As per claims 12 and 26 Fadem et al (4,744,077) the method, apparatus of claims 10

and 25 including the step of receiving the generated random insertion data and actual

data from a data input source; and queuing the random insertion data with the actual

data for output as the incoming data (see col.11, lines 67-68 and col.12, lines 1-3).

As per claims 13 and 27 Fadem et al (4,744,077) the method, apparatus of claims 10

and 25 including the step of controlling timing of random insertion data generation and

output based on data queue parameters (see col.13, lines 19-46).

As per claims 14 and 28 Fadem et al (4,744,077) the method, apparatus of claims 10

and 25 including the step of storing includes storing the generated insertion data as

entries in a first in first out (FIFO) buffer and wherein the step of filtering further includes

comparing the incoming data to at least one entry stored insertion data and deleting the

at least one entry of stored data and deleting the incoming data, and outputting the

incoming data to a data processor when the stored random data from the entry is

different from the incoming data (see col.13, lines 2-27).

As per claims 15 and 29 Fadem et al (4,744,077) the method, apparatus of claims 14

and 28 wherein the random insertion is randomized keystroke data and wherein the

keystroke data and the randomized keystroke data are queued in a message queue and

passed in the form of a message to the software application as incoming data (see

col.11, lines 67-68 and col.12, lines 1-3; col.19, lines 15-22).

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

U.S.Patent No. US (6,476,854 B1) teach video eavesdropping and reverse

assembly to transmit video action to a remote console.

U.S.Patent No. US (3,878,332) teach digital cryptographic system and method.

U.S.Patent No. US (6,587,949 B1) teach secure storage device for transfer of

data via removable storage.

U.S.Patent No. US (6,056,193 A) teach computer keyboard with integral encoded

device reader.

U.S.Patent No. US (4,805,222) teach method and apparatus for verifying an

individual identity.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kambiz Zand whose telephone number is (703) 306-

4169. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the

organization where this application or proceeding is assigned are as follows:
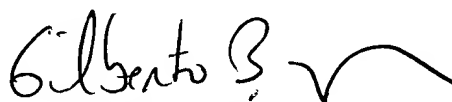

After-Final   (703) 746-7238

Official   (703) 746-7239

Non-Official/Draft   (703) 746-7240

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08/05/03

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